

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Kris Westerman, Joseph Stephens, Carlos
Garcia, Calixto Sanchez, Chris Holsinger,
Dustin Wooddell, Emilio Campos, Kenneth
Griffin, Lucky Diggles and Shawn Norton,
Plaintiffs,

v.

Capstone Logistics LLC and LMS
Intellibound, LLC
Defendants.

CA No.: 14-cv-3452-P

Jury Demanded

**UNDER SEAL - AGREED MOTION TO FILE DEPOSITION TESTIMONY OF CHIP
ANDREWS UNDER SEAL**

Pursuant to the Court's Protective Order (Dkt. #46) and the Local Rules
Plaintiffs hereby request leave of Court to file under seal portions of the deposition
testimony of Chip Andrews.

1. Reason for Request

Pursuant to the Protective Order all confidential information must be filed under
seal and leave of Court must be requested to file such information under seal. (Dkt #45,
¶ 3). Defendants have designated portions of Chip Andrews', Defendants' second shift
supervisor, deposition testimony as confidential. Pursuant to the Protective Order
Plaintiffs have challenged those designations. The parties are in the process of complying
with the Protective Order's requirements regarding the challenge of confidential

information although that procedure has not been resolved. As such, for now the information remains designated as confidential.

Plaintiffs request to file the deposition testimony designated as confidential as part of Plaintiffs' summary judgment evidence in response to Defendants' motion for summary judgment. Plaintiffs request that the information designated as confidential be included in a supplemental appendix which is attached to this motion as Exhibit A. Plaintiffs request that upon granting leave of Court, the supplemental appendix be considered timely and appropriately filed as part of Plaintiffs' summary judgment evidence.

PRAYER

For these reasons, the Plaintiffs parties request that the Court:

1. In all things GRANT this motion to file under seal; and
2. Rule that Exhibit A to this motion is timely filed and included in Plaintiffs' summary judgment evidence.

Respectfully submitted:

By: /s/ Chris R. Miltenberger
Chris R. Miltenberger
Texas State Bar Number 14171200

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Attorney for Plaintiffs

CERTIFICATE OF CONFERENCE

I certify that on October 14, 2015 I conferred with Christopher M. Cascino, counsel for Defendants, regarding this issue and agreement was reached. The motion is agreed upon and unopposed.

By: /s/ Chris R. Miltenberger
Chris R. Miltenberger

CERTIFICATE OF SERVICE

I certify that on October 14, 2015 I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record, who have consented in writing to accept this "Notice" as service of this document by electronic means.

By: /s/ Chris R. Miltenberger
Chris R. Miltenberger